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# *United States Senate*

For Immediate Release

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## Senators Introduce Bill to Improve Nursing Home Staffing Data

WASHINGTON -- Sens. Chuck Grassley, John Breaux and John Rockefeller have introduced legislation to improve the accuracy and the accessibility of nursing home staffing data for consumers.

“Nursing home quality and staffing go hand-in-hand,” said Grassley, ranking member of the Finance Committee and former chairman of the Special Committee on Aging. “Consumers need all the staffing information they can get to be able to choose the best nursing home for their loved ones.”

Breaux, chairman of the Senate Special Committee on Aging, said, “There is a clear link between staffing levels and the quality of care in nursing homes. But available data on staffing levels is, too often, inaccurate, outdated, not reported in a uniform manner, or inaccessible to the public. Our bill addresses these problems by bolstering a CMS quality initiative while requiring nursing facilities to improve delivery of staffing information.”

Rockefeller said, “Every day thousands of American families must face the task of finding the right nursing home for their loved one. We have a responsibility to make sure that these families have accurate information about staffing levels so that they can make an informed choice about where to get the best care.”

The senators late last Thursday introduced the *Nursing Home Staffing Accountability Act of 2002* (S. 2879). The bill builds on the current requirement for nursing homes to post daily nurse staffing information beginning Jan. 1, 2003, by requiring facilities also to report such daily nurse staffing information quarterly to the Centers for Medicare and Medicaid Services (CMS) through electronic data submission. The information from this improved reporting system must be made publicly available.

The bill also builds on a six-state pilot program that CMS began this year to provide consumers with new information about quality of care at individual nursing facilities. The pilot program is scheduled to expand into a national program in the fall of 2002.

The *Nursing Home Staffing Accountability Act of 2002* directs CMS to include a staffing quality measure in its quality initiative for the duration of the pilot and/or national program. The staffing measure would include the average daily total of nursing hours worked for the quarterly reporting period, which should be consistent with the quarterly period from the first provision of this

bill. This provision also requires CMS to develop consumer-friendly information comparing staffing data among nursing facilities in individual states (shown on a percentile scale).

A detailed summary follows.

### ***The Nursing Home Staffing Accountability Act of 2002 (S. 2879)***

#### **Section 1 – Bill title**

#### **Section 2 – Improving the Accuracy of Data on Nursing Facility Staffing**

Background: Experts find data on nursing home staffing to be incomplete, inaccurate and often outdated. Staffing information, including staffing levels, is self-reported by nursing facilities and transmitted to CMS. CMS compiles staffing data in the Online Survey and Certification Reporting System (OSCAR), and such data is not audited. In an analysis by CMS that compared OSCAR data to payroll records, the OSCAR data was found to be inaccurate.

In an effort to improve the availability and accuracy of self-reported data, Congress enacted a new requirement as part of BIPA 2000 to require nursing home providers to post in their facilities daily nurse staffing information -- broken down by shift -- beginning January 1, 2003.

Provision in bill: Sec. 2 amends Medicare and Medicaid by requiring submission and posting of nursing facility staffing data.

This provision builds on the current requirement for facilities to post daily nurse staffing information beginning January 1, 2003, by requiring facilities to report such daily nurse staffing information quarterly to CMS through electronic data submission. Such data shall be submitted to the Secretary as of July 1, 2003. Additionally, information from this improved reporting system must be made publicly available.

In its implementation of this provision, CMS shall report to Congress the most appropriate manner for reporting additional nurse staffing variables, such as unit worked, day of week (weekday and weekend), and type of care provided (direct or administrative), and effective auditing procedures.

This provision also establishes an annual audit of reported nurse staffing information. This audit would be conducted as part of the regular inspection process and should ensure that hours reported are consistent with actual hours worked.

#### **Section 3 -- Creating a Staffing Quality Measure for Consumers to Compare Nursing Facilities**

Background: A large body of research exists on the relationship between staffing levels and quality of care, including a two-part study conducted by the Department of Health and Human Services. Consumers of nursing home care and their families place a high priority on availability and reliability of staffing data. Currently, OSCAR staffing data is available on the CMS web site on “Nursing Home Compare.” This resource is helpful and important, but there are limitations in its utilization due to the flaws of the underlying OSCAR data.

Under the leadership of Secretary Thompson, CMS launched a six-state pilot program this year to provide consumers with new information about quality of care at individual nursing facilities. Government-sponsored advertisements directed consumers to access this information on the CMS web site when choosing a nursing home for a family member. The pilot program is scheduled to expand into a national program in the fall of 2002.

Nine quality measures for every nursing home in each of the six pilot states are posted on the “Nursing Home Compare” site. Quality measures include various clinical outcomes that measures percent of residents with infections, pain, weight loss, etc. There is no information regarding staffing data.

Provision in bill: This provision directs CMS to include a staffing quality measure in its quality initiative for the duration of the pilot and/or national program. The staffing measure would include the average daily total of nursing hours worked for the quarterly reporting period, which should be consistent with the quarterly period from the first provision of this bill. This provision also requires CMS to develop consumer-friendly information comparing staffing data among nursing facilities in individual states (shown on a percentile scale).